

County of Loudoun
Department of Planning
MEMORANDUM

DATE: April 4, 2008

TO: Ginny Rowen, Project Manager
Land Use Review

FROM: Joe Gorney, AICP, Senior Planner *JG*
Community Planning

SUBJECT: ZMAP 2008-0003 Mid Dulles Center

BACKGROUND

Hughes & Smith, LLC, has submitted an application to convert approximately 11.21 acres of land zoned Planned Development – Industrial Park (PD-IP) from the 1972 Zoning Ordinance to the Revised 1993 Zoning Ordinance. The site consists of two parcels. The southern parcel is occupied by the Dulles Electric business. The northern parcel is currently under construction for a 73,430 square-foot commercial building. According to the Statement of Justification, the zoning ordinance conversion allows greater flexibility in the potential uses that are allowed by-right and by special exception. The property is within the Route 28 Highway Improvement Transportation District (Route 28 Tax District) and is located on the northeast corner of Sterling Boulevard (Route 846) and Shaw Road (Route 636). The property is surrounded by parcels zoned PD-IP.

COMPREHENSIVE PLAN ANALYSIS

The site is governed by the policies of the Revised General Plan. It is located within the Sterling Community in the Suburban Policy Area and is designated for Business development (Revised General Plan, Planned Land Use Map, p. 7-23). Light-Industrial uses, including flex, research and development, and smaller-scale manufacturing, are considered an integral component of Business areas (Revised General Plan, Policy 1, p. 6-29).

The Revised General Plan provides policy direction encouraging property owners within the Tax District to convert from the 1972 Zoning Ordinance to the Revised 1993 Zoning Ordinance in order to provide consistent development patterns within the District. The Plan states that "[t]he County will look at incentives to encourage Route 28 Tax District

Attachment 1 A

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landowners to opt into the revised zoning ordinance" (Revised General Plan, Policy 14, p. 4-10). As such, the proposed conversion to the most current zoning ordinance is appropriate.

Staff recommends approval of the zoning conversion.

cc: Julie Pastor, AICP, Director, Department of Planning
Cindy Keegan, AICP, Program Manager, Community Planning – via e-mail

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
MEMORANDUM

DATE: April 11, 2008

TO: Ginny Rowen, Project Manager, Department Of Planning

THROUGH: Marilee L. Seigfried, Deputy Zoning Administrator

FROM: John D. Kirby, Planner, Zoning Administration *JK*

CASE NUMBER AND NAME: ZMAP-2008-0003 Mid Dulles Center

LCTM: /81//33//F-1A/
/81//33//F-1B/

MCPI: 033-25-8399-000
033-35-7335-000

PLAN SUBMISSION NUMBER: 1st Submission

ZONING COMMENTS:

A. OTHER ISSUES:

Statement of Justification:

1. Please identify each individual lot instead of the lots as a whole as 11.21 acres.
2. Please clarify the intended use and current use. The application states there is an approved site plan for flex-office use; however County records indicate approval of site plans for the current uses of Product Distribution, and Electrical Lighting and Wiring Equipment Distribution.
3. Elaborate on the current uses around the property and how the proposed uses collaborate with the abutting parcels.

ZMAP Comments:

1. On Sheet 1 of 3 update general notes 1 and 3 to include acreage and square footage for each lot.
2. On Sheet 1 of 3 correct general note 2 by removing the Airport Overlay District and relocating it to general note 3.

Attachment 1B

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3. On Sheet 3 of 3 please include all existing elements of the site plan, (i.e. buildings, parking, yards) as part of the Concept Development Plan.
4. On Sheet 3 of 3 please provide a scale on the Concept Development Plan appropriate for the size of the parcel and improve the legibility once the site plan elements have been added to the plan.
5. On Sheet 3 of 3 please provide per Section 6-1508(A) the proposed zoning requirements (i.e. F.A.R., building height, buildable square footages). Also include the maximum allowable restrictions.

REVIEW OF PROFFER LANGUAGE

1. No proffers have been submitted with this application.

County of Loudoun
Office of Transportation Services
MEMORANDUM

DATE: April 14, 2008
TO: Ginny Rowen, Project Manager, Department of Planning
FROM: Art Smith, Senior Coordinator, Planning and Development
**SUBJECT: ZMAP 2008-0003 Mid Dulles Center
First Referral**



Background

This application proposes a zoning map amendment to convert from PD-IP governed under the 1972 Zoning Ordinance to PD-IP governed under the Revised 1993 Zoning Ordinance. There are currently two parcels totaling approximately 11.21 acres. The parcels are bound on the south by Sterling Boulevard, Route 846, and on the west by Shaw Road, Route 636. A site plan has been approved for a 74,430 SF single story building fronting on Shaw Road. In addition, an existing Dulles Electric building located on the site. Based on a letter from the applicant dated February 14, 2008 the number of daily weekday vehicle trips (dvt) would be 1,906 dvt under the Revised 1993 Zoning Ordinance versus 1,362 under the 1972 Zoning Ordinance.

The applicant through the site plan approval process has provided right-of-way dedication along Shaw Road and Sterling Boulevard and the improvements are currently being built along Shaw Road per the approved site plan revision. The improvement is a half-section of a four-lane undivided road. The Shaw Road/Sterling Boulevard intersection is currently signalized.

Transportation Issues

1. The County is working toward a streamlined process for doing traffic studies for zoning conversions. However, this is currently a work in progress. A report is being prepared for the April 28 meeting of the BOS Transportation/Land Use Committee that looks at roads, operating levels and traffic generation comparisons within the Route 28 Tax District. A map of the Route 28 Tax District is being prepared that will identify key roads, key link volumes both hourly and daily and intersection levels of service at primary at grade intersections. Also being prepared is written text that will

include a description of the primary road status and will include a matrix evaluation the trip increases between 1972 Zoning Ordinance and the Revised 1993 Zoning Ordinance. George Phillips is coordinating with John Merrithew to pull together the land use matrix and collect volumes and growth rates for road links, link volumes and LOS.

2. How to determine transportation improvements for zoning conversions, if any, is being considered. Please note this applicant is already working on improvements to Shaw Road.

Conclusion

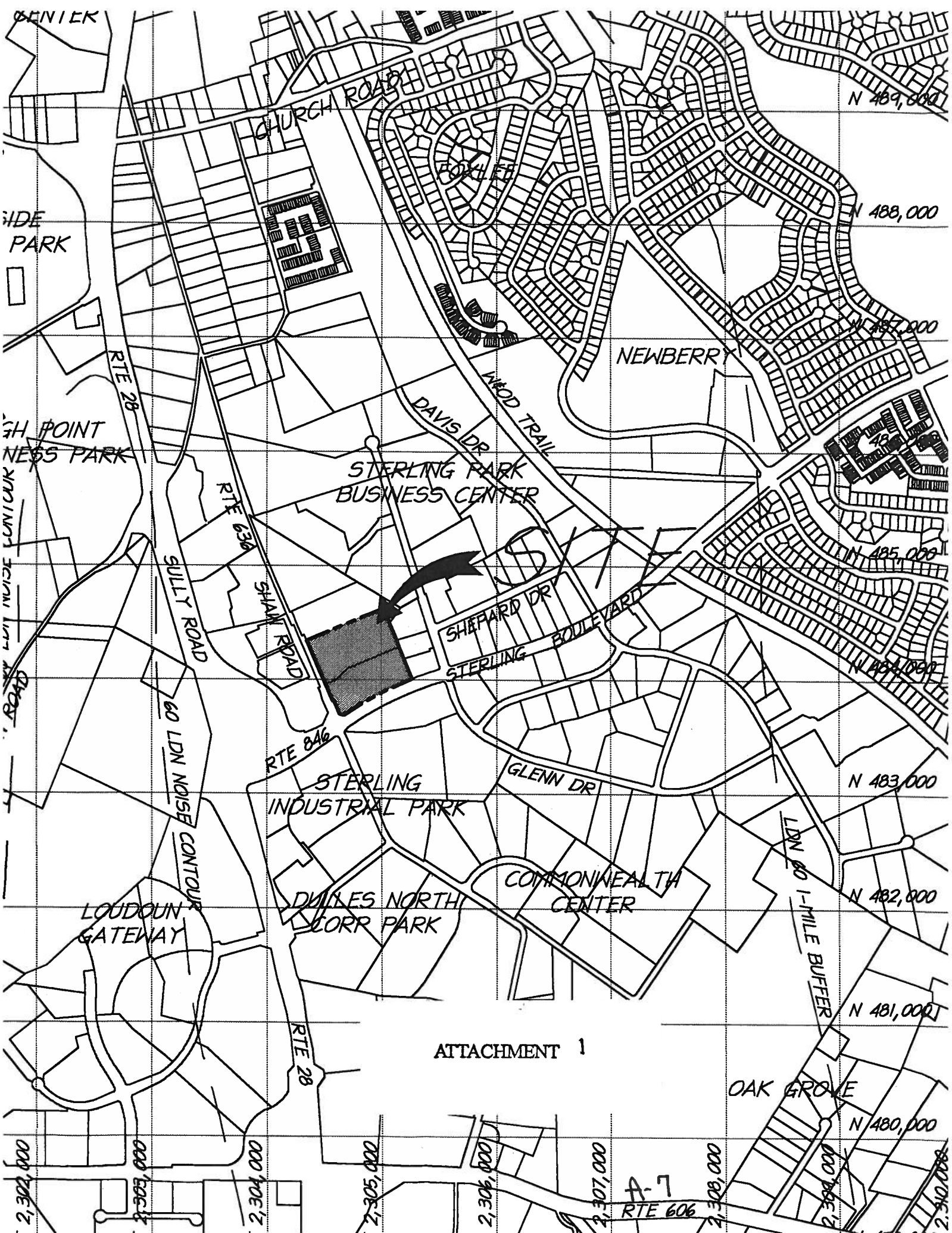
Staff looks forward to receiving guidance from the Board of Supervisors on streamlining the Zoning Conversion Traffic Study process. Coordination with the VDOT Section 527 traffic study requirements also needs consideration. Attachment 2 shows PD-IP Permitted Uses in the 1972 Zoning Ordinances as well as Permitted PD-IP Uses in the 1993 and Revised 1993 Zoning Ordinances as well as Special Exception PD-IP Uses in the three ordinances.

AJS//lm

Attachments

1. Project Vicinity Map
2. Permitted PD-IP Uses and Special Exception Uses in the 19972, 1993, and Revised 1993 Zoning Ordinances

cc: Charles Yudd, Assistant County Administrator
Terrie Laycock, Interim OTS Director
Andy Beacher, Assistant Director/Highway Division Chief
John Merrithew, Department of Planning
George Phillips, Senior Transportation Planner



ATTACHMENT 1

A-7
RTE 606

1972 PD-IP Permitted Uses

Agriculture
 Forestry/Fisheries
 Commercial Greenhouse
 Nurseries
 Pizza Delivery
 Construction Trailer
 Animal Boarding Kennels
 Textile Manufacturing and Processing
 Research and Development

R1993 PD-IP Permitted Uses.

Adult day care center.
 Agriculture, horticulture, forestry, or fishery.
 Commuter parking lot.
 Distribution facility.
 Facility for scheduled lessons such as: dance, gymnastics, judo and sports training.
 Flex industrial use, pursuant to Section 5-608.
 Office, administrative, business and professional, (i.e. office uses) provided:
 (1) Office uses are an integral design element of a site plan for an industrial site or park containing not less than 40,000 square feet of gross floor area; and
 (2) Office uses shall be located no further than 100 feet from the setback, as established by Section 5-900, of an arterial or major collector road; and
 (3) Office uses shall be the prominent features when viewed from adjacent roadways; and
 (4) Other permitted uses may be co-located with office uses, provided such uses do not have frontage or direct access to an arterial or major collector road and will not exceed forty (40) percent of the gross floor area of the total land area of the industrial site or park; and
 (5) Parking may be located in the side and rear yards and in no case shall parking be located between the building and the arterial or major collector road. On a corner or through lot, there shall be only one front yard as established by Section 1-205(C); and
 (6) Buildings which contain office uses shall contain two stories or more.
 Manufacture, processing, fabrication and/or assembly of products such as, but not limited to: scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceutical, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchases glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery.

1993 PD-IP Permitted Uses

Adult day care center.
 Agriculture, horticulture, forestry, or fishery.
 Commuter parking lot.
 Distribution facility.
 Flex industrial use, pursuant to Section 5-608.
 Manufacture, processing, fabrication and/or assembly of products such as, but not limited to: scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceutical, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchases glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery.
 Post office, drop off and pick up.
 Radio and television recording studio.
 Recycling drop off collection center, small, pursuant to Section 5-607.
 Research, experimental testing, or development activities.
 Wholesale trade establishment.
 Uses which are supportive and complementary to (which serve the users of) existing permitted and principal uses [within a specific industrial park], such as, but not limited to restaurants excluding drive-throughs, business service establishments, personal service establishments, banks and financial institutions, health and fitness centers, and automobile service stations, not to exceed a total of five percent (5%) of the total [allowable] floor area of the [industrial] park [shown on a concept development plan].
 Bakery, commercial.
 Bank or financial institution, excluding drive-through facilities.
 Dwelling, accessory to a permitted or special exception use.
 Printing service.
 Warehousing facility.
 Auction house.
 Business service establishment.
 Health and fitness center.
 Park.
 Postal service, including overnight courier collection and overnight mail

	<p>Post office.</p> <p>Radio and television recording studio.</p> <p>Recycling drop off collection center, small, pursuant to Section 5-607.</p> <p>Research, experimental testing, or development activities.</p> <p>Wholesale trade establishment.</p> <p>Uses which are supportive and complementary to (which serve the users of) existing permitted and principal uses within a specific industrial park, such as, but not limited to restaurants excluding drive-through, business service establishments, personal service establishments, health and fitness centers, and automobile service stations, not to exceed a total of five percent (5%) of the total allowable floor area of the industrial park shown on a concept development plan.</p> <p>Bakery, commercial.</p> <p>Bank or financial institution, pursuant to Section 5-659.</p> <p>Dwelling, accessory to a permitted or special exception use.</p> <p>Printing service.</p> <p>Warehousing facility, pursuant to Section 4-507(E).</p> <p>Auction house.</p> <p>Business service establishment.</p> <p>Health and fitness center.</p> <p>Park.</p> <p>Postal service, including overnight courier collection and overnight mail distribution facility.</p> <p>Restaurant, carry-out only.</p> <p>Water pumping station.</p> <p>Utility substation, dedicated.</p> <p>Conference or training center.</p> <p>Sewer pumping station.</p> <p>Utility substation, distribution, pursuant to Section 5-616.</p> <p>Church, synagogue, temple or mosque.</p> <p>Motor vehicle service and repair, light.</p> <p>Telecommunications antenna, pursuant to Section 5-618(A).</p> <p>Telecommunications monopole, pursuant to Section 5-618(B)(1).</p> <p>Funeral home, pursuant to Section 5-658.</p> <p>Training Facility.</p> <p>Interactive Science & Technology Center.</p> <p>Outdoor Storage, Accessory up to 10% of gross floor area of principal use.</p> <p>Contractor service establishment, excluding retail sales and outdoor storage.</p> <p>Recreation establishment, outdoor or indoor, provided:</p> <p>(1) Parking areas for recreation establishments shall be designed to enhance the safety of children as they arrive at and leave the facility; and</p> <p>(2) Recreation establishments shall</p>	<p>distribution facility.</p> <p>Restaurant, carry-out only.</p> <p>Water pumping station.</p> <p>Utility substation, dedicated.</p> <p>Conference or training center.</p> <p>Sewer pumping station.</p> <p>Utility substation, distribution, pursuant to Section 5-616.</p> <p>Church, synagogue, and temple.</p> <p>Motor vehicle service and repair, light.</p> <p>Removed pursuant to ZOAM 1995-0002.]</p> <p>[Telecommunications antenna, pursuant to Section 5-618(A).]</p> <p>Telecommunications monopole, pursuant to Section 5-618(B)(1).]</p>
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	<p>include a designated pickup and delivery zone, providing at a minimum one (1) parking space per twenty (20) children and shall be located in proximity to the recreation establishment in such a way that provides safe and clearly designated access to enter or exit the facility.</p>	
<p>1972 PD-IP Special Exception Uses</p> <p>Auto filling station (accessory car wash) Commercial Office Building Restaurant Warehouses Rental car facilities Banks, Financial Institutions Church, Convent(?) Hotels, Motels Business/Professional Office Personal Service establishment Enclosed Storage Equipment and Materials Storage Private Airport/Airstrip Public Facility Utility Water Treatment Plant Commercial Recreation Facilities Non-Commercial Recreation Facilities RV Parks</p>	<p>R1993 PD-IP Special Exception Uses</p> <p>Office, administrative, business and professional, which do not meet the criteria contained in Section 4-503(G). Civic, social, fraternal association meeting place. Educational institution. Golf driving range. Heliport, helistop. Hospital, pursuant to Section 5-610. Hotel/Motel, pursuant to Section 5-611. Public utility service center with or without storage yard. Sewage treatment plant. Uses which are supportive and complementary to (which serve the users of) existing permitted and principal uses within a specific industrial park, such as, but not limited to restaurants, excluding drive-throughs, business service establishments, personal service establishments, health and fitness centers and automobile service stations; but not to include such uses as car repair except in conjunction with an automobile service station; in excess of five (5%) percent but not to exceed a total of 25% of the total allowable floor area of the industrial park shown on a concept development plan. Utility substation, transmission, pursuant to Section 5-616. Utility transmission lines, overhead. Water treatment plant. Telecommunications monopole, pursuant to Section 5-618(B)(2). Medical care facility, outpatient only. Motor vehicle service and repair, heavy. Printing service plant. Child care center, pursuant to Section 5-609(B). Fire and/or rescue station. Dry cleaning plant. Automotive service station. Car wash. Golf course. Motor vehicle rental, with outdoor vehicle</p>	<p>1993 PD-IP Special Exception Uses</p> <p>Office, administrative, business and professional, provided: The specific site and size of each building or part thereof to be so used is identified as such on an approved development plan, and the plan for development demonstrates a coordinated relationship between planned industrial uses and the offices under consideration. Civic, social, fraternal association meeting place. Educational institution. Facility for lessons in dance, gymnastics, judo and sports training. Golf driving range. Heliport, helistop. Hospital, pursuant to Section 5-610. Hotel, pursuant to Section 5-611. Motel. Public utility service center with or without storage yard. Sewage treatment plant. Uses which are supportive and complementary to (which serve the users of) existing permitted and principal uses [within a specific industrial park], such as, but not limited to restaurants, excluding drive-throughs, business service establishments, personal service establishments, banks and financial institutions, health and fitness centers and automobile service stations; but not to include such uses [as car repair except] in conjunction with an automobile service station; in excess of five (5%) percent but not to exceed a total of 25% of the total [allowable] floor area of the [industrial] park [shown on a concept development plan]. Utility substation, transmission, pursuant to Section 5-616. Utility transmission lines, overhead.</p>

APPLICATION NUMBER: _____

I, Louis Canonico, do hereby state that I am an X applicant applicant's authorized agent listed in Section B.1. below

in application Number(s): _____

and that to the best of my knowledge and belief, the following information is true:

B. MANDATORY DISCLOSURES**1. NAMES AND ADDRESSES OF REAL PARTIES IN INTEREST**

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application* and if any of the forgoing is a **TRUSTEE**** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application. Multiple relationships may be listed together. For multiple parcels, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

PIN	NAME (First, M.I., Last)	ADDRESS (Street, City, State, Zip Code)	RELATIONSHIP (listed in bold , above)
See Page B 1 (2 of 2)			

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

 X Real Parties of Interest information is continued on an additional copy of page B-1If multiple copies of this page are provided please indicate Page 1 of 2 pages.

APPLICATION NUMBER: _____

PIN	NAME (First, M.I., Last)	ADDRESS (Street, City, State, Zip Code)	RELATIONSHIP (listed in bold , above)
033-25-8399	Hughes and Smith, Inc.	3016 Williams Drive, Suite 100 Fairfax, Virginia 22031	Title Owner
033-25-8399	John J. Hughes, Jr. Revocable Trust, dated February 5, 1988	c/o John J. Hughes, Jr., Trustee 8509 Horseshoe Lane Potomac, Maryland 20854	Shareholder of Title Owner
033-25-8399	John J. Hughes, Jr.	8509 Horseshoe Lane Potomac, Maryland 20854	Primary Beneficiary of John J. Hughes, Jr. Revocable Trust, dated February 5, 1988 (above referenced Shareholder of Title Owner
033-25-8399	Revocable Trust of Robert T. Williams, dated September 9, 2005	c/o Robert T. Williams, Trustee 3900 Mill Creek Drive Annandale, Virginia 22003	Shareholder of Title Owner
033-25-8399	Robert T. Williams	3900 Mill Creek Drive Annandale, Virginia 22003	Primary Beneficiary of Revocable Trust of Robert T. Williams, dated September 9, 2005 (above referenced Shareholder of Title Owner
033-25-8399	William T. Hughes	3812 Middlebury Way Greensboro, North Carolina 27410	Shareholder of Title Owner
033-25-8399	DHW Revocable Living Trust UAD October 10, 2007	c/o Doyle H. Wilson, Trustee 8675-H S.W. 96th Street Ocala, Florida 34481-4521	Shareholder of Title Owner
033-25-8399	Doyle H. Wilson	8675-H S.W. 96th Street Ocala, Florida 34481-4521	Primary Beneficiary of DHW Revocable Living Trust UAD October 10, 2007 (above referenced Shareholder of Title Owner
033-25-8399	Garland H. Clark	10337 Sager Avenue, Suite #304 Fairfax, Virginia 22030	Shareholder of Title Owner
033-35-7335	Mid Dulles LLC	c/o Hughes and Smith, Inc., Managing Member 3016 Williams Drive, Suite 100 Fairfax, Virginia 22031	Title Owner
	Hughes and Smith, Inc.	3016 Williams Drive, Suite 100 Fairfax, Virginia 22031	Sole Member

If multiple copies of this page are provided please indicate Page 2 of 2 pages.

APPLICATION NUMBER: _____

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

christopher consultants, ltd. 9900 Main Street, 4th Floor, Fairfax, VA 22031

Description of Corporation:

X *There are 100 or fewer shareholders and all shareholders are listed below.*

____ *There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.*

____ *There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Christopher W. Brown	
William R. Goldsmith, Jr.	
Louis Canonico	
William R. Zink	
Ruth R. Fields	

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Christopher W. Brown	President
William R. Goldsmith, Jr.	Exec. V.P. / Secretary
Louis Canonico	Vice President
William R. Zink	Vice President
Ruth R. Fields	Treasurer

Check if applicable:

____ Additional shareholder information is continued on an additional copy of page B-2

If multiple copies of this page are provided please indicate Page ____ of ____ pages.

APPLICATION NUMBER: _____

3. PARTNERSHIP INFORMATION

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

Partnership name and address (complete name, street address, city, state, zip)

___ (check if applicable) The above-listed partnership has no limited partners.

Names and titles of the Partners (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

NAME (First, M.I., Last)	Title (e.g. General Partner, Limited Partner, etc)

Check if applicable:

___ Additional Partnership information is included on an additional copy of page B-3.

4. One of the following options **must be checked**

___ In addition to the names listed in paragraphs B. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, and beneficiary of a trust) 1% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

X Other than the names listed in B. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, and beneficiary of a trust) 1% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

___ Additional information for Item B. 3. is included on an additional copy of page B-3.

If multiple copies of this page are provided please indicate Page ____ of ____ pages.

APPLICATION NUMBER: _____

C. VOLUNTARY DISCLOSURE

1. That no member of the Loudoun County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (If none, so state).

2. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household and family, either individually, or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent or attorney or holds 1% or more of the outstanding bonds or shares of stock of a particular class, has or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of \$100 or more, singularly or in the aggregate with any of those listed in Section B, above.

EXCEPT AS FOLLOWS: (If none, so state).

3. The following constitutes a listing of names and addresses of all real parties in interest in the real estate which is the subject of this application, including the names and addresses of all persons who hold a beneficial interest in the subject property, who have, within five years of the application date, contributed, by gift or donation, more than one hundred dollars to any current member of the Board of Supervisors:

NAME (First, M.I., Last)	ADDRESS (Street, City, State, Zip Code)

___ Additional County-Official information for Item C is included on an additional page C-1.

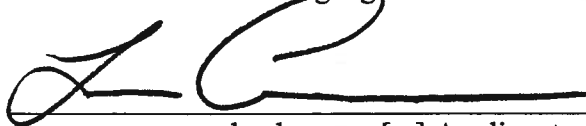
If multiple copies of this page are provided please indicate Page ___ of ___ pages.

APPLICATION NUMBER: _____

D.

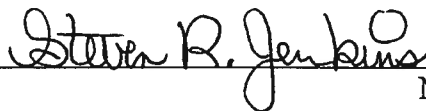
That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 1% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Section C. above, that arise on or after the date of this application.

WITNESS the following signature:

check one: ☐ Applicant or ☒ Applicant's Authorized Agent**Louis Canonico, Regional Vice President**

(Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this 15TH day of FEBRUARY, 2008, in
the State/Commonwealth of VIRGINIA, in the County/City of LOUDBURN.



Notary Public

My Commission Expires: JANUARY 31, 2009

STEVEN R. JENKINS
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #271893
My Commission Expires Jan. 31, 2009

**Statement of Justification
Mid Dulles – Rezoning Application
ZMAP 2008-0003
April 22, 2008**



Site Location:

The Mid Dulles site is more specifically identified as Parcels F-1A, containing ± 5.02 acres and F-1B, containing ± 6.19 acres on Loudoun County Tax Map 81((33)). This site has been known on previous Loudoun County land development applications as the Mid Dulles Center. The site is located at the northeast quadrant of the intersection of Shaw Road (Route 636) and Sterling Boulevard (Route 846). This property is within the Route 28 Tax District.

Site Description:

The site contains approximately 11.21 acres with approximately 1,500 linear feet of frontage along Shaw Road and Sterling Boulevard. The site is generally square in nature.

The site consists of two parcels. The parcel to the south has one existing building that the applicant currently leases to the Dulles Electric business, wholesale trade establishment and electrical distribution facility. The northern parcel is currently under construction for a 74,430 sf commercial building. The building is scheduled to be completed in the summer of 2008. The Dulles Electric business will be relocated to a portion of this building. The balance of the building will be occupied by other uses permitted in the PD-IP district. The existing building will be utilized for permitted uses in the PD-IP district. At some point in the future, this site containing the existing building will be redeveloped for additional PD-IP uses. Located to the east of the site is a service station and flex industrial use. To the north is additional vacant property owned by related entity to the applicants, to the south is Sterling Boulevard across from which is an existing mini warehouse use, and to the west of Shaw Road is a hotel. All of the abutting and surrounding property is zoned PD-IP.

The property generally slopes to the west towards Shaw Road, and it is currently under construction per the approved site plan for flex-office use. There are several measures of SWM/BMP facilities located within the building that is under construction. There is a SWM facility located at the eastern portion of the site, and there are several storm filter tree pits

located within the site. The property drains to a minor floodplain located just west of Shaw Road. All vegetation has been removed from the site that is under construction, and the landscape plants shown on Site Plan Revision, STPR-2007-0010, shall be installed during 2008.

Project Description:

The applicants for the Mid Dulles site desires to bring the property, which is a total of 11.21 acres, under the Revised 1993 Zoning Ordinance while maintaining its current PD-IP (Planned Development-Industrial Park). Due to the property's location in the Rt 28 Tax District, the property has remained under the 1972 Zoning Ordinance. The applicant, through the site plan approval process for the existing and proposed improvements on the property, has provided right-of-way dedication along Shaw Road and Sterling Boulevard, and the improvements are currently being built along Shaw Road per the approved Site Plan Revision.

General:

The property lies within a portion of the County that has been designated by the County's Comprehensive Plan to be served by public water and sanitary sewer. The Loudoun County Sanitation Authority (LCSA) will provide sewer service to this portion of the County through the extension of existing sanitary sewer lines and water lines to the west of the site that have been extended into this site.

Project Justification:

This application is for the conversion of the zoning ordinance, which governs development of this property from the 1972 Zoning Ordinance to the Revised 1993 Zoning Ordinance, and the zoning district will remain PD-IP. This zoning ordinance conversion allows for a greater flexibility in the potential uses that are allowed by right and by special exception from the Board of Supervisors. Additionally, by making this property subject to the current zoning ordinance, the County's vision, as identified in the Revised General Plan, is being implemented through the current zoning district requirements. This will allow the applicants and the County to insure the property will continue to be used and developed more in concert with the County's General Plan.

In terms of specific information to be considered by Loudoun County for a Zoning Conversion Application, the applicants would offer the following.

1. Whether the proposed zoning district classification is consistent with the Comprehensive Plan.

- The proposed development is consistent with that which is allowed for this portion of the County in the Revised General Plan. The Revised General Plan identifies this subject property area as planned for Business uses. The applicants are proposing to retain the PD-IP zoning classification, which is consistent with the planned land use. The only change is to bring the property under the Revised 1993 Zoning Ordinance. The Revised 1993 Zoning Ordinance more fully implements the goals of the County's Revised General Plan.

2. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.

- There have been numerous changes in this area of the County, most specifically the construction of the Rt 28/Sterling Blvd. Interchange. Surrounding parcels, which had stood vacant for years, are developing with a mix of business and business supportive uses. This development is occurring primarily under the Revised 1993 Zoning Ordinance. By converting this property to that ordinance the County can insure a more unified development pattern in this portion of the County.

3. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.

- The ranges of uses proposed in this application are compatible with the uses of all of the adjacent properties, due to the fact that all of the abutting properties are also PD-IP zoning. These properties, which have been developed, include uses that are either permitted or allowed by special exception in the PD-IP district.

4. Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.

- The Loudoun County Sanitation Authority currently provides water and sewer service to the existing site and to the building under development. Additionally, the subject property is currently zoned PD-IP, and based on the trip comparison of the worst case scenario of the current zoning to the proposed zoning district, the proposed zoning does not indicate any adverse impact above any by-right development that could be developed at the site. The adjacent roads within the vicinity have already had traffic improvements by either the applicants or from others. Currently Sterling Boulevard is a four-lane divided roadway with turn lanes. The applicants are proposing road improvements to Shaw Road within the frontage of their site. Since the application is for commercial use, it will result in a new positive tax generation for the County.

5. The effect of the proposed rezoning on the County's ground water supply.

- This proposed zoning will have no adverse impact on the County's ground water supply. The applicants' detailed design will meet or exceed County requirements in terms of storm water management and best management practices, thus addressing the quality and quantity of storm water runoff.

6. The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.

- As on-going development in this portion of the County has shown, with proper engineering, the on-site soils have the necessary structural capacity to support the proposed type of development. Through the site plan process the applicants have submitted detailed geotechnical information on the property.

7. The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.
 - Per our conversations with George Phillips, from the Department of Building and Development, a trip comparison report has been prepared to compare the highest and best use of both the 1972 Zoning Ordinance and the Revised 1993 Zoning Ordinance. Since this application only seeks to change the ordinance that governs this area and does not change the zoning district, there should be no differing impacts in terms of traffic or traffic safety. In addition the regional transportation network in this portion of the County is substantially built out. The site's close proximity to Rt 28 should allow easy access to and from the site.
8. Whether a reasonably viable economic use of the subject property exists under the current zoning.
 - The subject site is currently approved for by-right PD-IP development per the 1972 Zoning Ordinance. While this would provide an economically viable use for the property, the applicants believe it is the County's goal to have the property zoned in a fashion that is consistent with the current zoning ordinance to allow for a maximum amount of flexibility for the proposed uses and the most consistent development patterns with surrounding development. The applicants believe that this conversion is more in concert with the goals of the General Plan. Therefore, while the existing approved uses may be economically viable, it is not necessarily desirable, from the County standpoint, in terms of the County's overall planning goals.
9. The effect of the proposed rezoning on the environment or natural features, wildlife habitat, vegetation, water quality and air quality.

- The applicants believe that the development plan generated for this conversion has been as sensitive to the environment and the natural features as this type of commercial development and density can be. The necessary landscape buffers shall be provided to negate any adverse impacts of the proposed rezoning. The applicants will incorporate all necessary measures to ensure that water quality standards are maintained at the County's best management practices level.

10. Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.

- The applicants believe that this conversion encourages economic development activities in the area designated by the Revised General Plan by providing a greater flexibility of uses that are allowed under the current Zoning Ordinance and by ensuring a consistent development pattern throughout the area.

11. Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.

- The proposed conversion does consider the need for future industry and business growth, by giving the property a greater flexibility of uses that are allowed in the Revised 1993 Zoning Ordinance. This supports one of the prime planning goals of the Revised General Plan considering the Revised 1993 Zoning Ordinance was adapted to further implement the Revised General Plan.

12. Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.

- The proposed conversion does consider the current and future requirements of the community, by bringing the current zoning of the land to

be developed under the current Zoning Ordinance, which we believe makes the development more competitive in terms of what users are looking for in today's market. By retaining the PD-IP zoning district on the property, the development insures that this area will be used for business and employment uses as envisioned in the General Plan.

13. Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.

- The proposed conversion encourages the conservation of properties and their values and the encouragement of the more appropriate use of the land throughout the County by proposing a use for the property that is in concert with the County's General Plan and the Revised 1993 Zoning Ordinance. Thus reducing pressure for these uses in areas that might be less appropriate.

14. Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the county and the capacity of existing and/or planned public facilities and infrastructure.

- The proposed conversion considers the trends of growth or changes, employment, and economic factors, and the probable future economic and population growth of the County by increasing the marketability and having the flexibility of uses that are allowed within the proposed zoning district. This will result in a more marketable product in an area the County has deemed appropriate for business uses and growth.

15. The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.

- The proposed conversion does not provide for residential housing.

16. The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.

- The applicants have carefully designed this project, so as to be sensitive to the natural and scenic characteristics of the sites as this commercial type of development allows. The applicants have honored the Revised General Plan's "Green Infrastructure" requirements. The development will adhere to all Federal, State and County regulations in terms of storm water management and best management practices, and also erosion and sediment control requirements, thus further protecting the existing natural environment.



christopher consultants
engineering · surveying · land planning

April 15, 2008

Ms. Ginny Rowen
Loudoun County
Department of Planning
1 Harrison Street, S.E.
Leesburg, VA 20177-7000



RE: Mid Dulles Center
ZMAP 2008-0003

Dear Ginny:

The purpose of this letter is to respond to the specific referral agency comments as they relate to the above referenced application. Where necessary we have revised our submission documents to address the comments. Three copies of the revised documents are included herewith for your use and review. Below is a point by response to the comments.

**Department of Building and Development, Zoning Administration Comment
Memorandum dated April 11, 2008:**

ZONING COMMENTS:

A. OTHER ISSUES:

Statement of Justification:

1. *Please identify each individual lot instead of the lots as a whole as 11.21 acres.*

Response: The individual lots and their sizes have been identified.

2. *Please clarify the intended use and current use. The application states there is an approved site plan for flex-office use; however County records indicate approval of site plans for the current uses of Product Distribution, and Electrical Lighting and Wiring Equipment Distribution.*

Response: The current uses have been identified. The intended uses are those as allowed by-right in the PD-IP district. The applicant cannot be more specific than that at this time with the exception of the Dulles Electric use which is actually a contractor's service establishment. This will only occupy a portion of the new building. The remaining portion of the new building, as well the vacated existing building, will be leased to allowed uses.

christopher consultants, ltd.
20110 ashbrook place, suite 160
ashburn, virginia 20147

voice 571.209.5950
fax 571.209.5951
web site www.christopherconsultants.com

Attachment 4

A-25

3. *Elaborate on the current uses around the property and how the proposed uses collaborate with the abutting parcels.*

Response: Para. 3 in the Statement of Justification elaborates on the compatibility of uses on abutting parcels. Additional information has been added to the statement as to the types of uses on those abutting parcels.

ZMAP Comments:

1. *On Sheet 1 of 3 update general notes 1 and 3 to include acreage and square footage for each lot.*

Response: The notes have been changed to include the individual parcel acreage and square footage.

2. *On Sheet 1 of 3 correct general note 2 by removing the Airport Overlay District and relocating it to general note 3.*

Response: The overlay district note has been moved.

3. *On Sheet 3 of 3 please include all existing elements of the site plan, (i.e. buildings, parking, yards) as part of the Concept Development Plan.*

Response: The applicant is unwilling to commit the level of detail being requested. The applicant may in the future wish to redevelop the parcel where the existing building is located. Showing the current information for that site would, in the future, necessitate the requirement to amend the Concept Plan at sometime in the future. Similarly, if the applicant wishes to adjust the site that is under development currently in the future, having too much detail on the Concept Plan could create problems in the future. The applicant has acknowledged that they will meet all Zoning Ordinance requirements on the Concept Plan. The Concept Plan as drawn shows the nature of the development proposed on the site. An "Illustrative Plan" showing the current and proposed site improvements have been added to the plan set.

4. *On Sheet 3 of 3 please provide a scale on the Concept Development Plan appropriate for the size of the parcel and improve the legibility once the site plan elements have been added to the plan.*

Response: The Concept Plan, as submitted, is drawn to the scale required by Ordinance. However, we have added a blow up of the plan information as requested.

5. *On Sheet 3 of 3 please provide per Section 6-1508(A) the proposed zoning requirements (i.e. F.A.R., building height, buildable square footages). Also include the maximum allowable restrictions.*

Response: We have added a note which indicates the development will meet the requirements of the PD-IP section of the ordinance, Sec. 4-500 for the items mentioned above. The note goes on to state that all pertinent sections of the ordinance will be met. The applicant is not asking to modify any sections of the ordinance. As such, we fail to see the need to explicitly restate the requirements of the Ordinance on the Concept Plan. We believe this item in this way would avoid needless Concept Plan Amendments if the Ordinance should change in the future and the owner would wish to avail themselves of any such changes.

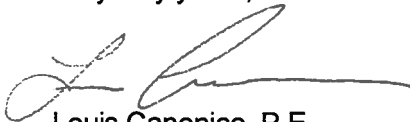
REVIEW OF PROFFER LANGUAGE

1. *No proffers have been submitted with this application.*

Response: A proffer statement has been prepared and is being submitted with this submission.

We believe that with the changes made to the submission documents and the responses provided above, that we have adequately addressed all of the referral agency concerns. If after your review of the above and the enclosed, if you should have any questions or need any additional information, please feel free to contact us. We look forward to the staff's favorable recommendation on this application as it moves forward to the Planning Commission and Board of Supervisors.

Very truly yours,



Louis Canonico, P.E.
Regional Vice President

LC/dml

cc: Ms. Sandra Hughes
Mr. John Hughes

PROFFER STATEMENT
MID DULLES
ZMAP 2008-0003
APRIL 17, 2008



Hughes and Smith, Inc., the Owner of the property described as Parcel F-1A (MCPI # 033-25-8399-000), and Mid Dulles LLC, the owner of the property described as Parcel F-1B (MCPI # 033-35-7335-000) on Loudoun County Tax Map 81((33)), (collectively "the Applicants") on behalf of themselves and their successors in interest, hereby voluntarily proffer that in the event that the above referenced Parcels F-1A and F-1B (the "Property") are rezoned by the Loudoun County Board of Supervisors (herein after referred to as "the County") to the Planned Development-Industrial Park zoning district, as substantially set forth in the Concept Development Plan dated February 15, 2008, with revisions through April 17, 2008, and further described in its application ZMAP 2008-0003, the development of the Property shall be in substantial conformance with the following conditions, pursuant to Section 15.2-2303 of the CODE OF VIRGINIA (1950) as amended. These proffer conditions are the only conditions offered on this rezoning, and any prior conditions applicable to the Property are hereby declared void and of no effect provided that these proffers shall become effective only upon final approval of the Zoning Map Amendment application ZMAP 2008-0003 submitted by the Applicants.

I. CONCEPT DEVELOPMENT PLAN

The development of the Property shall be in substantial conformance with Sheet 3 of the plan set entitled "_____", dated February 15, 2008, with revisions through April 17, 2008, prepared by christopher consultants, ltd. and incorporated herein by reference as Exhibit A. The sheet is more specifically identified as: Sheet 3 – "Concept Development Plat" (1"=100'). This drawing shall control the general development, layout and configuration of the Property, with the understanding that all requirements of the PD-IP zoning district of the Revised 1993 Zoning Ordinance must be met and will take precedence over the Concept Development Plan.

II. WATER AND SEWER

The Property will be served by public water and sewer systems. All necessary extensions of existing water and sanitary sewer lines, and all connections, shall be provided to the Property at no expense to Loudoun County or the Loudoun County Sanitation Authority. Said water and sanitary sewer extensions and connections shall be in accordance with Loudoun County Sanitation Authority standards and requirements. Any and all existing wells and drainfields on the Property will be abandoned in accordance with Health Department standards.

The undersigned hereby warrants that all the owners of a legal interest of the Property have signed this proffer statement, that he/she has full authority to bind the Property to these conditions, either individually or jointly, with the other owners affixing their signatures hereto, and that the proffers are entered into voluntarily.

Hughes and Smith, Inc., by

Signature

Name: _____

Title: _____

Date: _____

County of Loudoun, Commonwealth of Virginia

I, the undersigned notary public, in and for the state and city/county aforesaid, do hereby certify that _____, whose name is signed to the foregoing instrument, has acknowledged the same before me.

Subscribed and sworn to before me this _____ day of _____ 2005.

My Commission Expires:

Date

Notary Public

The undersigned hereby warrants that all the owners of a legal interest of the Property have signed this proffer statement, that he/she has full authority to bind the Property to these conditions, either individually or jointly, with the other owners affixing their signatures hereto, and that the proffers are entered into voluntarily.

Mid Dulles LLC, by

Signature

Name: _____

Title: _____

Date: _____

County of Loudoun, Commonwealth of Virginia

I, the undersigned notary public, in and for the state and city/county aforesaid, do hereby certify that _____, whose name is signed to the foregoing instrument, has acknowledged the same before me.

Subscribed and sworn to before me this _____ day of _____ 2005.

My Commission Expires:

Date

Notary Public